

1 James J. Pisanelli, Bar No. 4027  
 2 Debra L. Spinelli, Bar No. 9695  
 3 PISANELLI BICE PLLC  
 4 400 South 7th Street, Suite 300  
 5 Las Vegas, Nevada 89101  
 6 Telephone: 702.214.2100  
 7 Facsimile: 702.214.2101  
 8 Email: [jjp@pisanellibice.com](mailto:jjp@pisanellibice.com)  
 9 Email: [dls@pisanellibice.com](mailto:dls@pisanellibice.com)  
 10 Jonathan D. Polkes (*pro hac vice pending*)  
 11 Stephen A. Radin (*pro hac vice pending*)  
 12 Caroline Hickey Zalka (*pro hac vice pending*)  
 13 WEIL, GOTSHAL & MANGES LLP  
 14 767 Fifth Avenue  
 15 New York, New York 10153  
 16 Telephone: 212.310.8000  
 17 Facsimile: 212.310.8007  
 18 Email: [jonathan.polkes@weil.com](mailto:jonathan.polkes@weil.com)  
 19 Email: [stephen.radin@weil.com](mailto:stephen.radin@weil.com)  
 20 Email: [caroline.zalka@weil.com](mailto:caroline.zalka@weil.com)

21 Attorneys for Defendants Georges Antoun,  
 22 Kevin DeNuccio, Sarita James, Jay Leupp,  
 23 Merrick D. Okamoto, Said Ouissal, Simeon  
 24 Salzman, and Fred Thiel, and Nominal  
 25 Defendant Marathon Digital Holdings, Inc.

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 KIMBERLY BERNARD, Derivatively on  
 19 Behalf of MARATHON DIGITAL  
 20 HOLDINGS, INC. (f/k/a MARATHON  
 21 PATENT GROUP, INC.),  
 22 Plaintiff,

23 v.

24 FRED THIEL, GEORGES ANTOUN,  
 25 KEVIN DENUCCIO, SARITA JAMES, JAY  
 26 LEUPP, SAID OUISSAL, MERRICK D.  
 27 OKAMOTO, and SIMEON SALZMAN,

28 Defendants,

-and-

26 MARATHON DIGITAL HOLDINGS, INC.  
 27 (f/k/a MARATHON PATENT GROUP,  
 28 INC.),

CASE NO.: 2:22-cv-00305-JAD-VCF

**STIPULATION AND [PROPOSED]  
ORDER TO SET BRIEFING SCHEDULE  
ON MOTION TO DISMISS**

**(First Request)**

PISANELLI BICE  
 400 SOUTH 7TH STREET, SUITE 300  
 LAS VEGAS, NEVADA 89101

1           Defendants Fred Thiel, Georges Antoun, Kevin DeNuccio, Sarita James, Jay Leupp, Said  
2 Ouissal, Merrick D. Okamoto, Simeon Salzman (collectively, “Defendants”), Nominal Defendant  
3 Marathon Digital Holdings, Inc. (“Marathon”), and Plaintiff Kimberly Bernard (“Plaintiff”), by and  
4 through their respective counsel, and subject to this Court’s approval, agree to a briefing schedule  
5 on Defendants’ and Nominal Defendant’s motion to dismiss. This is the first request to set a briefing  
6 schedule in this action.

7           1.       On February 18, 2022, Plaintiff filed her Complaint (ECF No. 1);  
8           2.       On March 25, 2022, service was effected by stipulation (ECF No. 6);  
9           3.       On April 4, 2022, Defendants and Nominal Defendant filed a motion to dismiss the  
10 Complaint (ECF No. 13);  
11           4.       The parties have agreed to the following briefing schedule:  
12               a. Plaintiff’s response to the motion to dismiss is due on May 31, 2022;  
13               b. Defendants’ and Nominal Defendant’s reply is due on June 30, 2022;  
14           5.       This Stipulation is made in good faith, with good cause, and not for purposes of  
15 unduly delaying discovery or trial.

16           ///

PISANELLI BICE  
400 SOUTH 7TH STREET, SUITE 300  
LAS VEGAS, NEVADA 89101

1 Dated this 11th day of April, 2022.

2 PISANELLI BICE PLLC

3 By: /s/ Debra L. Spinelli

4 James J. Pisanelli, Bar No. 4027  
5 Debra L. Spinelli, Bar No. 9695  
6 400 South 7th Street, Suite 300  
7 Las Vegas, Nevada 89101

8 Jonathan D. Polkes  
9 (pro hac vice pending)  
10 Stephen A. Radin  
11 (pro hac vice pending)  
12 Caroline Hickey Zalka  
13 (pro hac vice pending)  
14 WEIL, GOTSHAL & MANGES LLP  
15 767 Fifth Avenue  
16 New York, New York 10153

17 Attorneys for Defendants Georges Antoun,  
18 Kevin DeNuccio, Sarita James, Jay Leupp,  
19 Merrick D. Okamoto, Said Ouissal, Simeon  
20 Salzman, and Fred Thiel, and Nominal  
21 Defendant Marathon Digital Holdings, Inc.

Dated this 11th day of April, 2022.

MATTHEW L. SHARP, LTD.

By: /s/ Matthew L. Sharp

Matthew L. Sharp, Bar No. 4746  
432 Ridge Street  
Reno, Nevada 89501  
Telephone: 775.324.1500  
Email: matt@mattsharplaw.com

Gregory M. Egleston  
GAINEY McKENNA & EGLESTON  
501 Fifth Avenue, 19th Floor  
New York, New York 10017  
Telephone: 212.983.1300  
Email: gegleston@gme-law.com

Attorneys for Plaintiff Kimberly Bernard

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, based on the parties' stipulation above, Plaintiff shall file her response to the motion to dismiss on or before May 31, 2022, and Defendants and Nominal Defendant shall file their reply on or before June 30, 2022.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_

CASE NO. 2:22-cv-00305-JAD-VCF